

Notice of Allowability

Applicant(s) N .

09/801,734

Examiner

David A. Lambertson

Applicant(s)

UMITSUKI ET AL.

Art Unit

1636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the After Final amendment filed August 19, 2003.
2. ☒ The allowed claim(s) is/are 1-6 and 8.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on October 27, 2003, Ms. Yuko Soneoka requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 06-0916 the required fee of \$110.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Please note that reference JP 53124693 as cited on the form PTO-892 mailed with the Office Action of March 28, 2002 has been lined through because it is a substantial duplicate of a reference cited on an IDS.

Please enter the After Final Amendment filed August 18, 2002.

The application has been amended as follows:

In the Claims:

Claim 1. An isolated koji mold having increased protease activity and peptidase activity in relation to a parent strain, wherein the isolated koji mold results [resulting] from transformation with a protease nucleic acid sequence and a peptidase nucleic acid sequence, and wherein the

Art Unit: 1636

isolated koji mold has at least 3 times greater protease activity and at least 5 times greater peptidase activity than the parent strain.

Claim 5. A method of [breeding] obtaining the isolated koji mold according to any one of claims 1 to 4 comprising the steps of:

(a) transforming a parent strain of koji mold with a protease nucleic acid sequence and a peptidase nucleic acid sequence; and,

(b) selecting a transformant having increased protease activity and peptidase activity relative to said parent strain.

Claim 6. A method of manufacturing a flavor enhancer which comprises allowing a culture product of the isolated koji mold according to any one of claims 1 to 4 to act on a protein, thereby manufacturing a flavor enhancer.

Please Cancel Claim 7.

Claim 8. An isolated koji mold having increased protease activity and peptidase activity in relation to a parent strain, wherein the isolated koji mold results [resulting] from transformation with a protease nucleic acid sequence and a peptidase nucleic acid sequence, and wherein the protease nucleic acid sequence encodes the same amino acid sequence as that encoded by the nucleotide sequence of SEQ ID NO:2, and the peptidase nucleic acid sequence encodes the same amino acid sequence as that encoded by the nucleotide sequence of SEQ ID NO:1.

Application/Control Number: 09/801,734

Page 4

Art Unit: 1636

In the Specification:

Please submit the following as the Abstract:

ABSTRACT

The present invention provides a koji mold having increased protease activity and peptidase activity relative to a parent strain, a method of breeding the koji mold, and a method of manufacturing a flavor enhancer using the koji mold. More specifically, the present invention provides (1) a koji mold having increased protease activity and peptidase activity relative to a parent strain obtained by transformation using a protease gene and a peptidase gene, (2) a method of breeding the above koji mold which comprises transforming a parent strain of koji mold using a protease gene and a peptidase gene, and then selecting a transformant having higher protease activity and peptidase activity relative to a parent strain, and (3) a method of manufacturing a flavor enhancer which comprises allowing a culture product of the above koji mold to act on a protein.

Application/Control Number: 09/801,734
Art Unit: 1636


Page 6

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Lambertson whose telephone number is (703) 308-8365. The examiner can normally be reached on 6.30am to 4pm, Mon.-Fri., first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel, Ph.D. can be reached on (703) 305-1998. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

David A. Lambertson
AU 1636



JAMES KETTER
PRIMARY EXAMINER